

under oath that we have operational control of the border?", with "Yes we do", despite the fact that, the term "operational control" has been defined in law as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband"; and

(2) on November 15, 2022, during a hearing of the Committee on Homeland Security of the House of Representatives, by responding to Congressman Dan Bishop's question, "Do you continue to maintain that the border is secure?", with "Yes, and we are working day in and day out to enhance security, Congressman.";

Whereas section 1621 of title 18, United States Code, clearly states that anyone under oath who "willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true" is guilty of perjury and shall be fined or imprisoned not more than 5 years, or both;

Whereas the record-breaking number of illegal alien encounters, including more 1,000,000 known "got-aways", and the record seizures of deadly fentanyl and other contraband, confirm that Secretary Mayorkas has not taken all actions necessary to ensure operational control of the southern border, as required by law;

Whereas U.S. Border Patrol Chief Raul Ortiz, in a field hearing before the Committee on Homeland Security of the House of Representatives, stated that U.S. Border Patrol does not have operational control of the border, which directly contradicts Secretary Mayorkas' April 2022 testimony to the Committee on the Judiciary of the House of Representatives;

Whereas in September 2021, while Alejandro Nicholas Mayorkas was serving as Secretary of Homeland Security—

(1) approximately 15,000 Haitian migrants crossed the border from Mexico into the United States and were concentrated in an encampment underneath the international bridge between Mexico and the Del Rio, Texas, Port of Entry and in surrounding areas;

(2) mounted Border Patrol agents and troopers with the Texas Department of Public Safety dispersed a large group of migrants gathered near a boat ramp located in the United States along the Rio Grande River, approximately 500 yards east of the Del Rio Port of Entry and then attempted to stop the flow of all migrants illegally crossing the Rio Grande River into the United States at that location;

(3) within hours of the incident described in paragraph (2)—

(A) images and video surfaced on social media that showed multiple Border Patrol agents on horseback using their horses to keep several illegal immigrants from entering the United States after crossing the Rio Grande in Del Rio, Texas;

(B) extremist liberal activists rushed to judgement and falsely accused the agents of whipping the illegal immigrants with their horse reins, in spite of a statement by the photographer that the pictures were misconstrued as showing abusive behavior; and

(C) some activists made the disgusting false equivalency to slavery; and

(4) Secretary Mayorkas, after Assistant Secretary of Homeland Security for Public Affairs Marsha Espinosa emailed to him a news article explaining that the photographer who took the images did not see the agents whipping anyone—

(A) misled the general public by publicly supporting the Biden administration's false narrative that Border Patrol agents whipped Haitian migrants;

(B) participated in a White House press conference during which he publicly and

falsely slandered the Border Patrol agents referred to in paragraph (2), calling the images "horrifying" and an example of "systemic racism";

Whereas a 511-page report by the U.S. Customs and Border Protection's Office of Personal Responsibility found "no evidence that [Border Patrol agents] involved in this incident struck, intentionally or otherwise, any migrant with their reins";

Whereas the National Border Patrol Council, which is the labor union representing Border Patrol agents and support staff, is considering supporting the impeachment of Secretary Mayorkas;

Whereas the actions of Secretary Mayorkas' department have encouraged foreign nationals to attempt to illegally enter the United States at historic levels, as evidenced by 251,012 enforcement encounters along the southern border in December 2022, which is the highest number of encounters ever recorded in a single month;

Whereas a major component of these failed immigration enforcement policies is the Department of Homeland Security's disregard for its responsibility to enforce Federal immigration laws, including Secretary Mayorkas' abuse of discretion in granting humanitarian parole, which, according to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)), is only to be used on a "case-by-case basis for urgent humanitarian reasons or significant public benefit", and has been used by Secretary Mayorkas' department to grant parole en masse on multiple occasions, including new "Processes for Cubans, Haitians, Nicaraguans, and Venezuelans", which was announced in October 2022 and expanded in January 2023;

Whereas the policies of the Department of Homeland Security, under the leadership of Secretary Mayorkas, have encouraged increased numbers of unaccompanied migrant children to enter the United States during the 2-year period immediately preceding the date on which this resolution was introduced, with large numbers of such children revealed by the New York Times to have been forced into dangerous jobs in violations of child labor laws;

Whereas on March 28, 2023, Ranking Member Senator Lindsey Graham, during a hearing of the Committee on the Judiciary of the Senate, pointed out that under Secretary Mayorkas' watch—

(1) the southern border of the United States "has gone from the lowest illegal crossings in December 2020 to all-time highs with over 2,000,000 last fiscal year";

(2) "fentanyl is coming in at a pace we have never seen"; and

(3) "more terrorists on the watch list are coming than any time since we've been measuring these things";

Whereas during the same hearing, Senator Josh Hawley—

(1) compared the CBP One mobile application used to schedule appointments and request humanitarian parole and asylum to "a concierge service for illegal immigrants"; and

(2) commented to Secretary Mayorkas, "rather than building a wall, Mr. Secretary, you have built Ticketmaster for illegal immigrants"; and

Whereas during the same hearing—

(1) Secretary Mayorkas told Senator Ted Cruz that he did not recognize wristbands abandoned along the border, which cartels commonly use for human smuggling and trafficking and which act as a sort of registration system, with different colors and patterns denoting the cartel responsible, how many times a person has attempted to cross, and how much they owe to the cartel; and

(2) Senator Cruz replied in frustration to Senator Mayorkas by calling him incom-

petent and telling him, "If you had integrity, you would resign.";

Now, therefore, be it

Resolved,

That it is the sense of the Senate that Secretary Alejandro Nicholas Mayorkas no longer holds the confidence of the Senate or of the American people to faithfully carry out his duties as Secretary of Homeland Security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 87. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 326, to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 87. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 326, to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Improvement Act of 2023".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS TO HOME AND COMMUNITY BASED SERVICES

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Coordination with Program of All-Inclusive Care for the Elderly.

Sec. 104. Home and community based services: programs.

Sec. 105. Coordination with assistance and support services for caregivers.

Sec. 106. Development of centralized website for program information.

Sec. 107. Improvements relating to Home Maker and Home Health Aide program.

Sec. 108. Reviews and other improvements relating to home and community based services.

TITLE II—IMPROVEMENTS TO FAMILY CAREGIVER PROGRAM

Sec. 201. Modification of family caregiver program of Department of Veterans Affairs to include services related to mental health and neurological disorders.

Sec. 202. Requirements relating to evaluations, assessments, and reassessments relating to eligibility of veterans and caregivers for family caregiver program.

Sec. 203. Authority for Secretary of Veterans Affairs to award grants to entities to improve provision of mental health support to family caregivers of veterans.

Sec. 204. Comptroller General report on mental health support for caregivers.